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REMARKS

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Claims 20-33 are currently pending in this application. Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §103

Claims 20-22 and 26-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,540,681 to *Strul et al.* in view of U.S. Patent No. 5,766,165 to *Gentelia et al.*

Strul et al. was cited for disclosing an ablation system comprising a power control, a patient return electrode, a computer with an RS-232 data port, an EP monitoring system, and a processor. The functions of the processor in *Strul et al.* are said to include continuous monitoring (or ongoing verification) of current and voltage which is purported to provide "insight" into the connection between the power control system and the return electrodes, as well as the return electrode and the biological tissue. *Strul et al.* is also cited for disclosing "system verification checks."¹

It is admitted that *Strul et al.* fails to disclose a processor programmed to prevent RF power output when contact between the return electrode and the patient is breached.² To compensate for the inadequate teaching of *Strul et al.*, *Gentelia et al.* is cited for disclosing a return path monitoring system for use with an ablation system that includes a monitoring means that prevents RF power output when contact between the return electrode and patient is breached.

Applicant traverses the rejection of independent claim 20 in view of the failure of both *Strul et al.* and *Gentelia* to disclose several features of the claimed invention. Because these

¹ The system verification checks mentioned in the last line of the abstract and in col. 6, lines 37-42 relate only to the integrity of catheter circuitry.

² *Strul et al.* also fails to disclose a processor programmed to prevent RF power output when the connection between a power control system and computer is breached and a processor programmed to prevent RF power output when the connection between a power control system and EP monitoring system is breached.

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features are not taught by either of the references upon which the section 103 rejection is based and because no other basis for obviousness, with respect to these features, is set forth in the Office Action, Applicant believes that the statutory requirements of section 103 have not been satisfied and therefore requests that the section 103 rejection and the finality of the rejection, be withdrawn.

The invention, as recited in independent claim 20, is directed to an ablation system. The system includes a power control system having a patient-return-electrode receptacle, a data port and an electrophysiological (EP) monitoring system receptacle. The power control system adapted to output power signals. The system also includes a patient return electrode adapted to connect to the patient-return-electrode receptacle; a computer adapted to connect to the data port and an EP monitoring system adapted to connect to the EP-monitoring-system receptacle and a processor. The system is configured to perform an integrity check on the connections between several peripheral components and the power control system. To this end, the processor is programmed to prevent the output of power signals in the absence of the verification of any one of the following: connection between the power control system and the patient return electrode; adequate contact between the patient return electrode and the biological tissue; connection between the power control system and the computer; and connection between the power control system and the EP monitoring system.

Strul et al. fails to teach or suggest, not only a processor programmed to prevent RF power output when contact between the return electrode and the patient is breached, as admitted in the Office Action, but also, a processor programmed to prevent RF power output when the connection between a power control system and computer is breached and a processor programmed to prevent RF power output when the connection between a power control system and EP monitoring system is breached. While *Gentelia* appears to disclose a return path monitoring system for use with an ablation system that includes a monitoring means that prevents RF power output when contact between the return electrode and patient is breached, it too fails to teach or suggest a processor programmed to prevent RF power output when the connection between a power control system and computer is breached and a processor programmed to prevent RF power output when the connection between a power control system and EP monitoring system is breached.

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In view of the foregoing, Applicant submits that neither *Strul et al.* nor *Gentelia*, either alone or in combination, teach or suggest the invention claimed in independent claims 20. Accordingly, Applicant requests reconsideration of the section 103 rejection of claim 20 and dependent claims 21, 22 and 26-33.

Claims 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Strul et al.* in view of *Gentelia et al.* and further in view of U.S. Patent No. 4,416,276 to *Newton et al.*

In view of the foregoing analysis of independent claim 20 in view of *Strul et al.* and *Gentelia*, Applicant believes that the rejections under §103 are rendered moot as dependent claims 23-25 depend from an allowable independent claim.

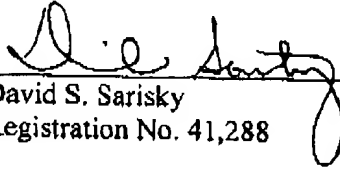
CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of all of Applicant's claims 20-33 are believed to be in order and an early Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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